

By: Pitts, Price

H.B. No. 517

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the eligibility of inmates convicted of certain
3 intoxication offenses for release on parole or mandatory
4 supervision and to a biennial study regarding driving while
5 intoxicated prevention.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle B, Title 4, Government Code, is amended
8 by adding Chapter 423 to read as follows:

9 CHAPTER 423. DRIVING WHILE INTOXICATED PREVENTION

10 Sec. 423.001. DEFINITION. In this chapter, "offense
11 relating to the operating of a motor vehicle while intoxicated" has
12 the meaning assigned by Section 49.09(c), Penal Code.

13 Sec. 423.002. STUDIES. (a) The office of the governor
14 shall conduct a biennial study on driving while intoxicated in this
15 state that monitors and analyzes:

16 (1) the efficacy of restrictions on eligibility for
17 release on parole or to mandatory supervision for persons convicted
18 of certain intoxication offenses in deterring or preventing future
19 intoxication offenses, including the provisions of Sections
20 508.145(d)(1) and 508.149(a), as amended by Chapters 1 (S.B. 24)
21 and 122 (H.B. 3000), Acts of the 82nd Legislature, Regular Session,
22 2011;

23 (2) driving while intoxicated data collected in this
24 state, including data relating to:

1 (A) driving fatalities involving intoxicated
2 drivers;

3 (B) automatic driver's license suspensions by
4 the Department of Public Safety for convictions of an offense
5 relating to the operating of a motor vehicle while intoxicated; and

6 (C) the number of intoxication offenses
7 resulting in a sentence of 25 years or more for an offense under
8 Chapter 49, Penal Code;

9 (3) the laws and programs of other states that have
10 been successful in reducing the occurrence of offenses relating to
11 the operating of a motor vehicle while intoxicated, including
12 sentencing of intoxication offenses; and

13 (4) the impact on public safety of repeat and habitual
14 offenders and intoxication offenses causing serious bodily injury
15 or death, including the sentencing of intoxication offenses.

16 (b) Based on the studies conducted under Subsection (a), the
17 office of the governor shall collaborate with the Texas Department
18 of Transportation, the Department of Public Safety, and the
19 Department of State Health Services to reduce alcoholism and
20 recidivism and the number of driving while intoxicated offenses
21 committed in this state, including repeat and habitual offenses and
22 offenses causing serious bodily injury or death.

23 (c) Not later than January 1 of each odd-numbered year, the
24 office of the governor shall submit a report to the legislature
25 that:

26 (1) describes the total number of sentences imposed of
27 25 years or more for an offense under Chapter 49, Penal Code;

1 (2) describes the success of state laws and programs
2 in reducing the occurrence of offenses relating to the operating of
3 a motor vehicle while intoxicated;

4 (3) analyzes the efficacy of restrictions on
5 eligibility for release on parole or to mandatory supervision for
6 persons convicted of certain intoxication offenses in deterring or
7 preventing future intoxication offenses; and

8 (4) recommends legislation relating to the prevention
9 of those offenses in this state, including repeat and habitual
10 offenses and offenses causing serious bodily injury or death.

11 SECTION 2. Section 508.145(d)(1), Government Code, is
12 amended to read as follows:

13 (1) An inmate serving a sentence for an offense
14 described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H),
15 (I), (J), or (K), Article 42.12, Code of Criminal Procedure, or for
16 an offense for which the judgment contains an affirmative finding
17 under Section 3g(a)(2) of that article, or for an offense under
18 Section 20A.03, Penal Code, or serving a sentence of 25 years or
19 more for an offense under Chapter 49, Penal Code, is not eligible
20 for release on parole until the inmate's actual calendar time
21 served, without consideration of good conduct time, equals one-half
22 of the sentence or 30 calendar years, whichever is less, but in no
23 event is the inmate eligible for release on parole in less than two
24 calendar years.

25 SECTION 3. Section 508.149(a), Government Code, as amended
26 by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd
27 Legislature, Regular Session, 2011, is reenacted and amended to

1 read as follows:

2 (a) An inmate may not be released to mandatory supervision
3 if the inmate is serving a sentence for or has been previously
4 convicted of:

5 (1) an offense for which the judgment contains an
6 affirmative finding under Section 3g(a)(2), Article 42.12, Code of
7 Criminal Procedure;

8 (2) a first degree felony or a second degree felony
9 under Section 19.02, Penal Code;

10 (3) a capital felony under Section 19.03, Penal Code;

11 (4) a first degree felony or a second degree felony
12 under Section 20.04, Penal Code;

13 (5) an offense under Section 21.11, Penal Code;

14 (6) a felony under Section 22.011, Penal Code;

15 (7) a first degree felony or a second degree felony
16 under Section 22.02, Penal Code;

17 (8) a first degree felony under Section 22.021, Penal
18 Code;

19 (9) a first degree felony under Section 22.04, Penal
20 Code;

21 (10) a first degree felony under Section 28.02, Penal
22 Code;

23 (11) a second degree felony under Section 29.02, Penal
24 Code;

25 (12) a first degree felony under Section 29.03, Penal
26 Code;

27 (13) a first degree felony under Section 30.02, Penal

1 Code;

2 (14) a felony for which the punishment is increased
3 under Section 481.134 or Section 481.140, Health and Safety Code;

4 (15) an offense under Section 43.25, Penal Code;

5 (16) an offense under Section 21.02, Penal Code;

6 (17) a first degree felony under Section 15.03, Penal
7 Code;

8 (17-a) an offense under Chapter 49, Penal Code, for
9 which the inmate received a sentence of 25 years or more;

10 (18) an offense under Section 43.05, Penal Code; ~~[or]~~

11 (19) an offense under Section 20A.02, Penal Code; or

12 (20) [~~(18)~~] an offense under Section 20A.03, Penal
13 Code.

14 SECTION 4. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

22 SECTION 5. To the extent of any conflict, this Act prevails
23 over another Act of the 83rd Legislature, Regular Session, 2013,
24 relating to nonsubstantive additions to and corrections in enacted
25 codes.

26 SECTION 6. This Act takes effect September 1, 2013.